

STANDARD APPLICATION Harford County Board of Appeals Bel Air, Maryland 21014	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> RECEIVED NOV 7 2006 </div>	Case No. <u>5578</u> Date Filed <u>11/02/06</u> Hearing Date _____ Receipt _____ Fee <u>400</u>
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Shaded Areas for Office Use Only

Type of Application <input type="checkbox"/> Administrative Decision/Interpretation <input checked="" type="checkbox"/> Special Exception <input type="checkbox"/> Use Variance <input type="checkbox"/> Change/Extension of Non-Conforming Use <input type="checkbox"/> Minor Area Variance <input type="checkbox"/> Area Variance <input type="checkbox"/> Variance from Requirements of the Code <input type="checkbox"/> Zoning Map/Drafting Correction	Nature of Request and Section(s) of Code <u>CASE 5578 MAP 43 TYPE Special Exception</u> <u>ELECTION DISTRICT 02 LOCATION 537 Carsins Run Road, Aberdeen, MD</u> <u>BY Jack Berndt</u> <u>Appealed because a special exception pursuant to Section 267-53D (1) of the Harford</u> <u>County Code to permit commercial vehicle storage in the Ag District requires approval</u> <u>by the Board.</u>
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NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name JACK BERNDT Phone Number 410 273-2509
 Address 537 CARSINS RUN ABERDEEN MD 21001
Street Number Street City State Zip Code

Co-Applicant LYNDA BERNDT Phone Number 410-27-32509
 Address 537 CARSINS RUN ABERDEEN MD 21001
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
 Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
 Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 537 CARLINS RUN ROAD

Subdivision _____

Lot Number _____

Acreage/Lot Size 5.75 Election District # 2

Zoning AG w/ Res. except.

Tax Map No. 43 Grid No. 30 Parcel 144 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: ONE HOUSE

Estimated time required to present case: 20 MIN

If this Appeal is in reference to a Building Permit, state number NO

Would approval of this petition violate the covenants and restrictions for your property? _____

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☒ No ☐

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

I AM SEEKING PERMISSION TO PARK A COMMERCIAL
VEHICLE ON MY PROPERTY. ALSO, I WOULD LIKE
PERMISSION TO BUILD A POLL BARN OF APPROXIMATELY
40' X 70' TO HOUSE THE TRUCK AND ANY OTHER
EQUIPMENT.

Justification

SEE ATTACHMENT

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Change/Extension of Non-Conforming Use Requirements

267-20(3) – When authorized by the Board, one non-conforming use may be substituted for another non-conforming use.

267-21(d) – The Board may authorize the extension or enlargement of a non-conforming use, with or without conditions, provided that:

- (A) The proposed extension or enlargement does not change to a less restricted and more intense use.
- (B) The enlargement/extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the non-conformity.

Special Exceptions Requirements (Article 267-52)

(a) Special Exceptions require the approval of the Board of Appeals. The Board may impose such conditions limitations and restrictions as necessary to preserve harmony with adjacent uses, the purposes of this Code and the public health, safety and welfare.

(b) A Special Exception grant or approval shall be limited to the final site plan approved by the Board. Any substantial modification to the approved site plan shall require further Board approval.

(c) Extension of any use or activity permitted as a Special Exception shall require further Board approval.

(d) The Board may require a bond, irrevocable letter of credit, or other appropriate guarantee as may be deemed necessary to assure satisfactory performance with regard to all or some of the conditions.

(e) In the event the development or use is not commenced within three (3) years from date of final decision after all appeals have been exhausted, the approval for the Special Exception shall be void. In the event of delays, unforeseen at the time of application and approval, the Zoning Administrator shall have the authority to extend the approval for an additional twelve (12) months or any portion thereof. (See Article 267-53 for specific requirements of Special Exception uses.)


I/We agree to provide additional information as requested by the Department of Planning and Zoning or the Hearing Examiner.

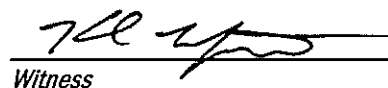
I/We do hereby declare that no officer or employee of Harford County, whether elected or appointed, has received prior hereto or will receive subsequent hereto any monetary or material consideration, any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally in connection with the submission, processing, issuance, grant or aware of the within application or petition.


I/We do solemnly declare and affirm under the penalties of perjury that this petition contains names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.

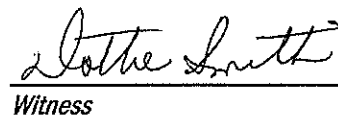
I/We do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my/our knowledge, information and belief.

I/We agree, upon final action, to comply with all requirements or conditions imposed by the Board.

 10-8-06
Signature of Applicant/Owner Date

 09 Oct 06
Witness Date

 3-29-07
Signature of Co-Applicant Date

 3-29-07
Witness Date

Signature of Attorney/Representative Date

Witness Date

 11/6/06
SPG Director of Planning and Zoning Date


Zoning Staff Date

ATTACHMENT A

This is a request to allow me to park one or two commercial vehicles on my 5.75 parcel or land.

I have a truck that I use in my small one truck transportation company. I had been paying \$100 per month to park the truck at a local truck stop but within the span of 6 months, the truck was broken into twice. The first time the batteries were stolen costing me \$500. The second time the truck was broken into and all the electronic equipment was stolen. The most disgusting part was finding used condoms in the sleeper area. After the second time, I began looking for a small farm where I could park my vehicle while at home. Also, I wanted to find a place where I would be able to put up a pole type building so that the vehicle could be parked inside.

I contacted a Remax agent and told her that I was looking for a place to purchase that had enough area to park my truck on my premises. She found me the property at 537 Carsin's Run road that included 5.75 acres. She told me that as far as she knew, there would not be a problem parking my truck on the property. I talked with the neighbors and informed them of my plans and they indicated that they had no problem with my parking a commercial vehicle on my property.

The land is zoned AG with residential use. I did not know before hand that it was a violation to park a commercial vehicle on the property until I received a letter from the Harford County Zoning. I currently have a truck and some equipment parked on the property.

I have enough area (5.75 acres) on my property to drive the truck to the back behind the woods that is on the property. It cannot be seen from the road or any adjacent property. Additionally, I would like to request a permit to put up a building of sufficient size to house the vehicle and other equipment that I have including a recreational vehicle that we own. The building would be approximately 40 feet by 70 feet and would be completely screened from the road and other properties by the woods on my land. I anticipate building the pole barn within 18 months. The proposed building would be very similar to the building in ATTACHMENT C.

I have obtained a permit to install a new driveway on the south side of the property and construction of that drive is currently underway. The drive will go to the back of the property behind a wooded area. Nothing will be visible from the road that is parked in the rear of the property.

It think it's important to note that across the road from me is the Aldino Sod farm which has lots of commercial vehicles and equipment. Dixie construction is just down the road from my house and the Harford County Air Services airport is at the end of the road. There are several contractors within a few blocks of my property that have commercial trucks and construction equipment as well. Bowman Construction is located just two

blocks south of my location. Carsin's Run road is routinely used by commercial vehicles including county government trucks. Almost every private property within a mile of my home has a pole barn type of building and other structures on their sites. The construction of a pole barn on my property will not change the nature of this neighborhood.

I do not believe anyone will be impacted by this special exception. The only neighbor that could only see the truck come or go has indicated to me that they have no objection to this exception.

Jack and Lynda Berndt
537 Carsin's Run Road
Aberdeen, MD 21001

ATTACHMENT C

Pole Building example that we'd like to construct:



The building will be approximately 40X70 and located at the rear of the property behind the wooded part of the property. This type of building is in keeping with a typical building found on agricultural property.

ATTACHMENT D

The red lines indicate the location of the driveway and the red box indicates the general area where we'd like to build the pole barn.



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING AND ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

January 17, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5578

APPLICANT/OWNER: Jack Berndt
537 Carsins Run Road, Aberdeen, Maryland 21001

REPRESENTATIVE: Applicant

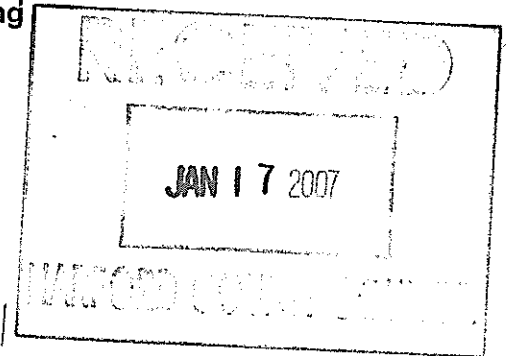
LOCATION: 537 Carsins Run Road
Tax Map: 43 / Grid: 3D / Parcel: 144
Election District: Two (2)

ACREAGE: 5.75 acres

ZONING: AG/Agricultural

DATE FILED: November 2, 2006

HEARING DATE: January 24, 2007



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"I am seeking permission to park a commercial vehicle on my property. Also, I would like permission to build a pole barn of approximately 40' by 70' to house the truck and any other equipment."

Justification:

See Attachment 1.

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

CODE REQUIREMENTS:

The Applicant is requesting a special exception pursuant to Section 267-53D(1) of the Harford County Code to permit commercial vehicle storage in the AG/Agricultural District.

Section 267-53D(1) of the Harford County Code reads:

D. Motor Vehicle and related services.

- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provide that:*
- (a) The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*
 - (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*
 - (c) A minimum parcel area of two (2) acres shall be provided.*

Enclosed with the report is a copy of Sections 267-51 and 267-52 (Attachment 2).

Section 267-91 of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants property is located on the east side of Carsins Run Road, south of Level Road (Md. 155). A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located outside of the Development Envelope. The predominant land use designation in this area of the County is Agricultural. The Natural Features Map reflects Stream Systems and Agricultural Preservation Districts and Easements. The subject property is designated as Agricultural and is defined by the 2004 Master Plan as:

Agricultural – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the Master Plan. The predominant land use is Agriculture which includes cropland, pastureland and large areas of dense woodland. There are no major residential developments. However, there are several small single family residential subdivision. Other land uses include churches, a cemetery and a golf course. The topography for the area ranges from rolling to steep, especially near the major stream valleys and their tributaries. Enclosed with the report is a copy of the aerial photograph and a topography map (Attachments 7 and 8).

The subject property has frontage on the east side of Carsins Run Road. The property is approximately 5.75 acres in size. The lot is open to the front containing a dwelling, well and septic area. The remainder of the lot is wooded and adjoins densely wooded areas to the south and east sides. A portion of the wooded area has been cleared in anticipation that the request will be approved and a building will be constructed to house the commercial vehicles and equipment. The Applicant has begun to put down stone as a driveway along the southern property line leading back to the clearing in the woods. On the day of the site visit there was a car carrier parked on the stone driveway, a small dump truck in the grass, a small bull dozer, a large goose neck triple axle trailer, bobcat skid loader, a commercial style roller, a lawn mover, a farm tractor, parts to a backhoe, a frame to a small trailer, and miscellaneous items. Also parked in the driveway next to the house was a large stake body truck. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The zoning in this area of the County is predominantly Agricultural. There are a few areas of RR/Rural Residential representing existing developments. To the north there is an area around the airport zoned GI/General Industrial. At the intersection of Hopewell Road and Aldino Road are parcels zoned B3/General Business District. The subject property is zoned AG/Agricultural District as shown on the enclosed copy of the zoning map (Attachment 11).

Zoning Enforcement:

The subject request is the result of a Zoning Enforcement Investigation. The Department received a complaint on August 30, 2006, that the property owner was parking a tractor trailer loaded with vehicles on the property. The Department conducted an inspection on August 31, 2006, which revealed 3 commercial vehicles at the location. Two of the vehicles were semi-tractor trailers. There was a large amount of outside storage. Photographs were taken at that time. The property owner's son resides at the location and was advised of the violations. The Applicant filed a Board of Appeals application on November 2, 2006. Copies from the Enforcement file are enclosed with the report for informational purposes only (Attachment 12).

SUMMARY:

The Applicant is requesting a special exception pursuant to Section 267-53D(1) of the Harford County Code to permit commercial vehicle storage in the AG/Agricultural District.

Section 267-53D(1):

D. Motor Vehicle and related services.

- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provide that:*

The subject property is zoned AG/Agricultural.

- (a) The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*

The Applicant is requesting a 40 foot by 70 foot building to house the truck and any other equipment. The Applicant states that he has 5.75 acres and will locate the building within a wooded area that will not be seen from the road.

- (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*

Not applicable to the request.

- (c) A minimum parcel area of two (2) acres shall be provided.*

The subject parcel size is 5.75 acres.

Section 267-9I:

- (1) The number of persons living or working in the immediate area.*

The predominant land use in the area is Agriculture. There are no major residential developments however, there are scattered residences throughout the neighborhood. The storage of one commercial vehicle on this parcel should not impact the neighborhood.

- (2) Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The property fronts on the east side of Carsins Run Road which is a paved County owned and maintained road. It is designated as a minor collector-rural road by the Harford County transportation plan. The topography is level in the area of the subject property and the sight distance in both directions is good.

- (3) The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The use is permitted in the Agricultural District as a Special Exception with Board of Appeals Approval. The Applicant proposes to construct a building to the rear of the property that will be partially screened by the existing trees. If approved there shall be no outside storage. The Applicant shall not be allowed to do any major repairs to the equipment and vehicles except for general maintenance.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

There should not be any significant impacts related to the items listed in this section.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Level Volunteer Fire Departments will provide fire protection and emergency service. The property is served by private well and septic system. A company of the Applicants choice will handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The proposed use is permitted within the AG/Agricultural District as Special Exception with Board approval. The Applicant is proposing to construct a pole building 40 feet by 70 feet to the rear of the property in the wooded area. The Applicant has already begun to remove trees to locate the building. This will help reduce the impacts and increase compatibility with the surrounding community.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposal should have no impact on any of the uses listed in this subsection.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposed use is permitted within the Agricultural District with Board approval and with appropriate conditions can be consistent with the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

There do not appear to be any sensitive environmental features on the site.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the site.

CONCLUSION:

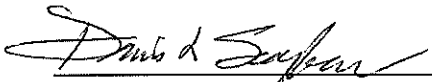
It appears that a single commercial vehicle can be stored on the property and meet the special exception requirements. The Department has concerns with the number of trucks previously parked at the site. The Applicant has only requested approval for one tractor and trailer. In addition to the tractor trailer the Applicant has previously stored a small dump truck and a large stake bodied truck, a farm tractor, riding mowers, bobcat skid loader, small dozer, small commercial roller backhoe attachment and a large goose neck triple axle trailer and miscellaneous items on the property.


The Department is recommending approval for only one commercial truck and trailer. Also the tractor and trailer and any other equipment must be stored within the building.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicant shall submit a detailed site plan to the County for review and approval thru the Development Advisory Committee.
2. The approval shall be limited to one tractor and trailer.
3. The Applicant may only keep other equipment that is used to maintain the property.
4. The Applicant shall be required to store the truck, trailer and other equipment within the proposed building.
5. There shall be no exterior lighting around the proposed building, except security lighting.
6. The existing trees, other than those removed for the construction of the building shall be maintained.
7. The approval is for the Applicants use only and shall terminate upon the sale of the property.
8. No major repairs of vehicles or equipment will be permitted on site. Only minor maintenance will be permitted.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/dm